

# **EXHIBIT "A"**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**TYRIN GREEN,**

***Plaintiff,***

**v.**

**SANDERSON FARMS, INC.,**

***Defendant.***

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**Civil Case No. 6:22-cv-00306**

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**INFORMATION PURSUANT TO LOCAL RULE CV-81(c)**

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(1) A list of all parties in the case, their party type (e.g., plaintiff, defendant, intervenor, receiver, etc.) and current status of the removed case (e.g., pending, dismissed);

Tyrin Green  
*Plaintiff*

Sanderson Farms, Inc.  
*Defendant*

The removed case is currently pending.

(2) A civil cover sheet and a certified copy of the state court docket sheet; a copy of all pleadings that assert causes of action (e.g. complaints, amended complaints, supplemental complaints, counterclaims, cross-actions, third party actions, interventions, etc.); all answers to such pleadings and a copy of all process and orders served upon the party removing the case to this court, as required by 28 U.S.C. § 1446(a);

See attached civil cover sheet and documents attached to Defendant's Notice of Removal as ***Exhibit A***. Defendant has requested a certified paper copy of the state court docket sheet, but it has not yet arrived as of the time of this filing. Defendant will file a copy once received.

(3) A complete list of attorneys involved in the action being removed, including each attorney's bar number, address, telephone number and party or parties represented by him/her;

J. Chad Parker  
Texas State Bar No. 00786153  
[Chad@jchadparker.com](mailto:Chad@jchadparker.com)  
Amy Mills  
Texas State Bar No. 00784607  
[Amy@jchadparker.com](mailto:Amy@jchadparker.com)  
**J. CHAD PARKER, PLLC**  
3808 old Jacksonville Road  
Tyler, Texas 75701  
Telephone: (903) 509-3400  
Facsimile: (903) 509-3401

*Counsel for Plaintiff*

Zach T. Mayer  
Texas State Bar No. 24013118  
[zmayer@mayerllp.com](mailto:zmayer@mayerllp.com)  
J. Edward Johnson  
Texas State Bar No. 24070001  
[ejohnson@mayerllp.com](mailto:ejohnson@mayerllp.com)  
G. Adrian Galvan  
Texas State Bar No. 24108601  
[agalvan@mayerllp.com](mailto:agalvan@mayerllp.com)  
**MAYER LLP**  
750 N. St. Paul Street, Suite 700  
Dallas, Texas 75201  
Telephone: (214) 379-6900  
Facsimile: (214) 379-6939

*Counsel for Defendant*

(4) A record of which parties have requested a trial by jury (this information is in addition to filing a separate jury demand pursuant to Local Rule CV-38(a)); and

Plaintiff, Tyrin Green  
Defendant, Sanderson Farms, Inc.

(5) The name and address of the court from which the case is being removed.

The 7<sup>th</sup> Judicial District Court of Smith County, Texas

Smith County, Courthouse  
100 N. Broadway Ave., #203  
Tyler, Texas 75702  
Telephone: 903-590-1640

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

TYRIN GREEN

(b) County of Residence of First Listed Plaintiff Smith Co., Texas

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

J. Chad Parker and Amy Mills, J. Chad Parker, PLLC, 3808 Old Jacksonville Rd., Tyler, TX 75701, (903)509-3400

**DEFENDANTS**

SANDERSON FARMS, INC.

County of Residence of First Listed Defendant Jones Co., Mississippi

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Zach Mayer, Edward Johnson, and Adrian Galvan, MAYER LLP, 750 N. St. Paul St., Ste. 700, Dallas, TX, 214.379.6900

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332, 28 U.S.C. § 1441, 28 U.S.C. § 1446

Brief description of cause:

Alleged workplace injury

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$  
250,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/05/2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ J. Edward Johnson

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

[illegible]

**From:** [Patricia Dixon](#)  
**To:** [Michelle Curry](#)  
**Subject:** Cause No. 22-1374-A  
**Date:** Tuesday, July 5, 2022 12:07:00 PM  
**Attachments:** [Plaintiffs Original Petition.pdf](#)  
[Citation Issued to Sanderson Farms, Inc..pdf](#)

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Please find file-marked Plaintiff's Original Petition and citation issued to Defendant as requested.

Thank you,

Patricia Renee Dixon  
Deputy Clerk  
Smith County District Clerk's Office  
100 N. Broadway, Rm. 204  
Tyler, Texas 75702  
[pdixon@smith-county.com](mailto:pdixon@smith-county.com)

ATTEST: I, Patricia Renee Dixon, Deputy Clerk of Smith County, Texas, do hereby certify that the foregoing is a true and correct copy of the original as filed in the office of the District Clerk of Smith County, Texas, on July 5, 2022.

Witness my hand and the seal of the District Clerk of Smith County, Texas, on July 5, 2022.

Patricia Renee Dixon, Deputy Clerk of Smith County, Texas

Notary Public for the State of Texas, Commission Expires 08/05/2024

Notary Public for the State of Texas, Commission Expires 08/05/2024



CERTIFIED TO BE A TRUE  
AND CORRECT COPY  
FILED BY DEPUTY DISTRICT CLERK  
PATRICIA RENE DIXON

22-1374-A

CAUSE NO. \_\_\_\_\_

TYRIN GREEN	§	IN THE DISTRICT COURT
	§	
VS.	§	OF SMITH COUNTY, TEXAS
	§	
SANDERSON FARMS, INC.	§	<u>7th</u> JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **TYRIN GREEN**, Plaintiff, and files this, his Original Petition and complains of **SANDERSON FARMS, INC.**, Defendant, and for cause of action would respectfully show unto the Court the following:

**I.****DISCOVERY CONTROL PLAN**

Discovery in this case is intended to be conducted under Level 1 of Rule 190.2, of the Texas Rules of Civil Procedure. Plaintiff seeks monetary relief of \$250,000.00 or less, excluding interest, statutory or punitive damages and penalties, and attorneys' fees and costs. The amount pled, as required by Texas Rule of Civil Procedure 47, is not for argument to the jury. The monetary relief actually awarded will ultimately be determined by the judge or jury.

**II.****PARTIES TO THIS ACTION**

Plaintiff, **TYRIN GREEN**, resides in Tyler, Smith County, Texas. The last three digits of Plaintiff's Social Security number are 560.

Defendant, **SANDERSON FARMS, INC.**, is a foreign for-profit corporation registered to do business in Texas with its principal place of business in Laurel, MS. Defendant can be served through it's registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas





75201. Citation is requested for this Defendant and service will be completed by a private process server.

III.

**JURISDICTION AND VENUE**

Pursuant to TEX. CIV. PRAC. & REM. CODE ANN. 15.002 (a)(1), venue is proper in Smith County, Texas because all, or a substantial part, of the events or omissions giving rise to this claim occurred in Smith County, Texas. Jurisdiction is proper in this court because the amount in controversy exceeds the minimum jurisdictional requirements of this court.

IV.

**FACTUAL ALLEGATIONS**

It has become necessary to bring this action because of injuries and damages sustained by the Plaintiff on or about September 22, 2021 at the **SANDERSON FARMS, INC.** facility in Tyler, Smith County, Texas. The evidence will show that Plaintiff, **TYRIN GREEN**, was an employee and working in the course and scope of his employment for **SANDERSON FARMS, INC.**, when his hand became stuck in a metal blade of a machine resulting in the complete amputation of his right index finger.

Plaintiff's injuries and damages were proximately caused by the negligence and gross negligence of Defendant, **SANDERSON FARMS, INC.**

V.

**CAUSES OF ACTION AGAINST SANDERSON FARMS, INC.**

Negligence

Leading up to, and at the time of the accident described above, Defendant, **SANDERSON FARMS, INC.**, was negligent in various acts and omissions, which were the proximate cause of the occurrence in question including, but not limited to:

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PLAINTIFF'S ORIGINAL PETITION



CERTIFIED TO BE A TRUE  
AND CORRECT COPY  
FILED IN THE SMITH COUNTY  
DISTRICT CLERK'S OFFICE

1. Failing to provide a safe place to work;
2. Failing to provide equipment which was safe for the Plaintiff to work with in violation of 29 CFR § 1910.212;
3. Failing to provide moving machine parts with guards to protect Plaintiff from moving parts that can cause injury in violation of 30 CFR § 56.14107 and 30 CFR § 55.14107;
4. Failing to implement safety rules, policies and procedures to protect employees, including Plaintiff, from the known hazard of having their fingers or hands caught in the line;
5. Failing to implement safety rules, policies and procedures to allow any of its employees working on the line to stop the line in the event of an emergency;
6. Failing to implement safety rules, policies and procedures that allow anyone who is not a supervisor to stop the line in the event of an emergency;
7. Failing to take reasonable care in the safety of its employees;
8. Other negligent acts or omissions that may be shown at the trial of this matter.

## VI.

### DOCTRINE OF RESPONDEAT SUPERIOR

Plaintiff further alleges that at all material times hereto, the agents, servants and employees of Defendant, **SANDERSON FARMS, INC.**, were acting within the course and scope of their employment and in the furtherance of the business interest of Defendant. In this regard, Plaintiff invokes the doctrine of *respondeat superior* and alleges that any and all negligent acts and/or omissions on the part of the agents, servants and employees of Defendants are imputed to Defendant and Defendant is vicariously liable for all negligent acts and/or omissions alleged herein to have been perpetrated by said agents, servants and/or employees under the doctrine of *respondeat superior*.

## VII.

### NEGLIGENCE PER SE

The actions and conduct of the Defendant, as set forth in paragraph V, are in violation of the Occupational Safety and Health Standard Code of Federal Regulations, which constitutes negligence per se, for which the Plaintiff intends to rely on at the trial, as said negligence per se is a proximate cause of the occurrence in question and resulting damages and injuries to the Plaintiff.



**VIII.**

**MALICE**

Plaintiff alleges that the Defendant's acts and/or omissions of gross negligence, when viewed objectively from the standpoint of the Defendant at the time of the occurrence, involved an extreme degree of risk considering the probability and magnitude of potential harm to others, including Plaintiff. Plaintiff further alleges that the Defendant had an actual subjective awareness of the risks involved but, nevertheless, proceeded with conscious indifference to the rights, safety and welfare of Plaintiff. In this regard, Plaintiff therefore seeks punitive and/or exemplary damages.

**IX.**

**DAMAGES**

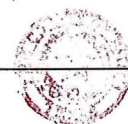
As a result of the above described acts or omission of the Defendants, **TYRIN GREEN**, has been injured in the following respects including, without limitation:

1. Physical pain, suffering, and mental anguish in the past;
2. Physical pain, suffering, and mental anguish that the Plaintiff will, in all reasonable medical probability, suffer in the future;
3. Hospital, medical, doctor, ambulance and pharmaceutical bills incurred in the past;
4. Hospital, doctor, medical, and pharmaceutical bills which the Plaintiff will, in all reasonable medical probability, incur in the future;
5. Physical impairment to the person of the Plaintiff that have been incurred in the past;
6. Physical impairment to the person of the Plaintiff which, in all reasonable medical probability, they will suffer in the future;
7. Past lost wages;
8. Future loss of earning capacity; and,
9. All applicable costs of court.

**X.**

**INTEREST**

The Plaintiff hereby seeks all Pre-Judgment and Post-Judgment interest in the maximum amounts as allowed by law on each separate and individual element of damage.



**XI.**

**TRCP RULE 193.7 NOTICE**

Pursuant to Texas Rules of Civil Procedure Rule 193.7, Plaintiff intends to use all documents produced by the Defendants as authenticated documents.

**XII.**

**REQUEST FOR JURY TRIAL**

Plaintiff hereby requests a trial by jury.

**XIII.**

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendants be cited to appear and answer and that upon a final hearing they have judgment against the Defendants, jointly and severally, and recover as follows:

- a. Judgment against Defendants for Plaintiff's actual damages as set forth above, in an amount in excess of the minimum jurisdictional limits of this Court;
- b. Pre-judgment and post-judgment interest at the maximum rate allowed by law;
- c. Costs of Court; and
- d. All other and further relief to which Plaintiff may be entitled.

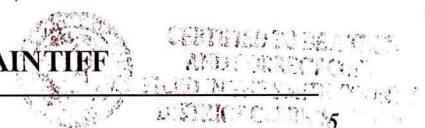
Respectfully submitted,

**J. Chad Parker, PLLC**  
3808 Old Jacksonville Road  
Tyler, TX 75701  
Telephone: 903-509-3400  
Facsimile: 903-509-3401

By: 

**J. CHAD PARKER**  
Chad@jchadparker.com  
State Bar No. 00786153  
**AMY MILLS**  
amy@jchadparker.com  
State Bar No. 00784607

**ATTORNEYS FOR PLAINTIFF**





CLERK OF THE COURT	ATTORNEYS FOR PLAINTIFF
PENNY CLARKSTON, DISTRICT CLERK SMITH COUNTY, TEXAS 100 N. BROADWAY, RM. 204 TYLER, TEXAS 75702 903-590-1660	J. CHAD PARKER J. CHAD PARKER PLLC 3808 OLD JACKSONVILLE ROAD TYLER, TX 75701 903-509-3400



**CAUSE NO. 22-1374-A  
THE STATE OF TEXAS  
CITATION**



**NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this Citation by ten o'clock (10:00) A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the Clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than thirty (30) days after you file your answer with the Clerk. Find out more at TexasLawHelp.org."**

**TO: SANDERSON FARMS, INC. – DEFENDANT, THROUGH ITS REGISTERED AGENT, CT CORPORATION SYSTEM, 1999 BRYAN STREET SUITE 900, DALLAS, TEXAS 75201, OR WHEREVER THE DEFENDANT MAY BE FOUND**

**YOU ARE HEREBY COMMANDED** to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** at or before Ten o'clock A.M. of the Monday after the expiration of twenty (20) days after the date of service of this citation before the **7th Judicial District Court** of Smith County, Texas, at the Courthouse of said County located at 100 N. Broadway, Tyler, Texas. Said **PLAINTIFF'S ORIGINAL PETITION** was filed 06/28/2022, in this case, numbered **22-1374-A** on the docket of said Court, and styled:

**TYRIN GREEN VS. SANDERSON FARMS, INC.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of **PLAINTIFF'S ORIGINAL PETITION** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

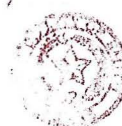
Issued and given under my hand and seal of said Court at Tyler, Texas, this date: **5th day of July, 2022.**

**ATTEST:**

**CLERK OF THE COURT**  
**PENNY CLARKSTON, DISTRICT CLERK**  
**SMITH COUNTY, TEXAS**  
100 N. Broadway, Rm. 204  
Tyler, Texas 75702



By: /s/ Patricia Dixon  
Patricia Dixon, Deputy



CERTIFIED TO BE A TRUE  
AND CORRECT COPY  
FILED IN THE SMITH COUNTY  
DISTRICT CLERK'S OFFICE

**CAUSE NO. 22-1374-A**  
**SHERIFF'S / OFFICER'S RETURN**

Came to hand the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.M., and executed in \_\_\_\_\_ County, by delivering to each of the within-named Defendants, in person, a true copy of this citation together with the accompanying true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION**,

At the following times and places, to wit:

NAME	MO/DAY/YEAR	HOUR/MIN	PLACE

And not executed as to the Defendant(s) \_\_\_\_\_  
Diligence used in finding said Defendant(s), being \_\_\_\_\_

And the cause of failure to execute this process is: \_\_\_\_\_  
\_\_\_\_\_ and the information received as to the whereabouts of the  
The said Defendant(s), being: \_\_\_\_\_

FEES: Serving \$ \_\_\_\_\_, \_\_\_\_\_ Sheriff  
County, Texas

By: \_\_\_\_\_  
Deputy

**CERTIFICATE OF DELIVERY**

I do hereby certify that I delivered to \_\_\_\_\_ on the  
\_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.M. this copy of this instrument.

\_\_\_\_\_, Sheriff \_\_\_\_\_ County, Texas

By: \_\_\_\_\_ Deputy

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT**

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and  
My address is \_\_\_\_\_."  
Email address \_\_\_\_\_

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Declarant/Authorized Process Server

\_\_\_\_\_  
(ID # & Expiration of Certification)

**CERTIFIED TO BE  
AND CORRECT  
FILED IN THE SMT  
DISTRICT CLERK**

CAUSE NO. 22-1374-A

TYRIN GREEN

Plaintiff,

VS.

SANDERSON FARMS, INC.

Defendant.

§  
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§  
§  
§

IN THE COURT OF

SMITH COUNTY, TEXAS

7TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

"The following came to hand on Jul 5, 2022, 2:07 pm,

CITATION AND PLAINTIFF'S ORIGINAL PETITION,

and was executed at 1999 BRYAN ST., SUITE 900, DALLAS, TX 75201 within the county of DALLAS at 10:03 AM on Wed, Jul 06 2022, by delivering a true copy to the within named


SANDERSON FARMS, INC., BY DELIVERING TO ITS REGISTERED AGENT, CT CORPORATION SYSTEM, WHERE THE DOCUMENT WAS ACCEPTED BY TIERICA WILLIAMS, INTAKE SPECIALIST

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is Matthew James Foster, my date of birth is 01/29/1972, and my address is 1910 Pacific Avenue, Suite 9300, Dallas, TX 75201, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in DALLAS County, State of TX, on July 06, 2022.

  
Matthew James Foster  
Certification Number: PSC-4907  
Certification Expiration: 3/31/2024



CERTIFIED TO BE A TRUE  
AND CORRECT COPY  
FILED IN THE SMITH COUNTY  
DISTRICT CLERK'S OFFICE



CLERK OF THE COURT	ATTORNEYS FOR PLAINTIFF
PENNY CLARKSTON, DISTRICT CLERK SMITH COUNTY, TEXAS 100 N. BROADWAY, RM. 204 TYLER, TEXAS 75702 903-590-1660	J. CHAD PARKER J. CHAD PARKER PLLC 3808 OLD JACKSONVILLE ROAD TYLER, TX 75701 903-509-3400



CAUSE NO. 22-1374-A  
THE STATE OF TEXAS  
CITATION



**NOTICE TO DEFENDANT:** "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this Citation by ten o'clock (10:00) A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the Clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than thirty (30) days after you file your answer with the Clerk. Find out more at TexasLawHelp.org."

**TO: SANDERSON FARMS, INC. – DEFENDANT, THROUGH ITS REGISTERED AGENT, CT CORPORATION SYSTEM, 1999 BRYAN STREET SUITE 900, DALLAS, TEXAS 75201, OR WHEREVER THE DEFENDANT MAY BE FOUND**

**YOU ARE HEREBY COMMANDED** to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** at or before Ten o'clock A.M. of the Monday after the expiration of twenty (20) days after the date of service of this citation before the **7th Judicial District Court** of Smith County, Texas, at the Courthouse of said County located at 100 N. Broadway, Tyler, Texas. Said **PLAINTIFF'S ORIGINAL PETITION** was filed 06/28/2022, in this case, numbered **22-1374-A** on the docket of said Court, and styled:

**TYRIN GREEN VS. SANDERSON FARMS, INC.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of **PLAINTIFF'S ORIGINAL PETITION** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Tyler, Texas, this date: **5th day of July, 2022.**

**ATTEST:**

**CLERK OF THE COURT**  
**PENNY CLARKSTON, DISTRICT CLERK**  
**SMITH COUNTY, TEXAS**  
100 N. Broadway, Rm. 204  
Tyler, Texas 75702



By: /s/ Patricia Dixon  
Patricia Dixon, Deputy



**CERTIFIED TO BE A TRUE  
AND CORRECT COPY  
FILED IN THE SMITH COUNTY  
DISTRICT CLERK'S OFFICE**



## CAUSE NO. 22-1374-A

TYRIN GREEN,

*Plaintiff,*

v.

SANDERSON FARMS, INC.,

*Defendant.*§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

7<sup>TH</sup> JUDICIAL DISTRICT

SMITH COUNTY, TEXAS

---

DEFENDANT'S ORIGINAL ANSWER AND VERIFIED DENIAL

---

Defendant Sanderson Farms, Inc. ("Defendant") files its Original Answer, and would respectfully state the following:

**I.  
VERIFIED DENIAL**

1. Pursuant to Texas Rule of Civil Procedure 93, Defendant Sanderson Farms, Inc. alleges that there is a defect of parties as it has been misidentified, and denies that it is a proper party to this lawsuit.

**II.  
GENERAL DENIAL**

2. Subject to Defendant's denial that it is a proper party in this lawsuit, Defendant denies each and every, all and singular, the material allegations contained within the Original Petition filed by Plaintiff, Tyrin Green ("Plaintiff"), and demands strict proof thereof.

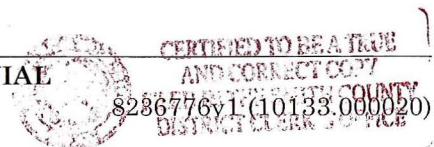
**III.**  
**AFFIRMATIVE DEFENSES**

3. Pleading further, alternatively, and by way of affirmative defense, Defendant asserts that in the unlikely event that an adverse judgment would be rendered against it, Defendant would respectfully request all available credits and/or offsets as provided by the Texas Civil Practice and Remedies Code and under Texas law.

4. Pleading further, alternatively, and by way of affirmative defense, Defendant asserts that in addition to any other limitation under law, Plaintiff's recovery of medical or health care expenses should be limited to the amount actually paid or incurred by or on behalf of Plaintiff, pursuant to Section 41.0105 of the Texas Civil Practices and Remedies Code.

5. By way of affirmative defense, Defendant invokes Chapter 33 of the Texas Civil Practices & Remedies Code and pleads that Plaintiff's claims are barred, in whole or in part, by the contributory and/or comparative negligence of Plaintiff and/or other parties, or alternatively, that the conduct of other parties, including Plaintiff, was an independent, intervening, superseding, and/or the sole proximate cause of Plaintiff's alleged damages. Therefore, Defendant is not liable for such damages.

6. By way of affirmative defense, Defendant pleads that Plaintiff's damages, if any, were caused by preexisting injuries and/or preexisting medical conditions that occurred or arose before the alleged incident forming the basis of this lawsuit.



7. By way of affirmative defense, Defendant pleads that Plaintiff's claims are barred or limited, in whole or in part, by Plaintiff's failure to mitigate damages and failure to take the reasonable steps that a person of ordinary prudence in a similar situation would have taken to avoid the damages claimed by Plaintiff. Accordingly, Defendant is entitled to an instruction to the jury that they shall not consider elements of damages incurred and caused by Plaintiff's failure to mitigate damages.

8. Pleading further, alternatively, and by way of affirmative defense, Defendant asserts that Plaintiff's damages, if any, were solely caused by a new and independent cause. Therefore, Defendant is not liable for such damages.

9. Pleading further, alternatively, and by way of affirmative defense, Defendant invokes Section 18.091 of the Texas Civil Practices & Remedies Code requiring that Plaintiff prove his alleged loss of earnings and/or loss of earning capacity in a form that represents his net loss after reduction for income tax payments or unpaid tax liability. Additionally, Defendant requests that the Court instruct the jury as to whether any recovery for compensatory damages sought by the Plaintiff is subject to federal and state income taxes.

10. Pleading further, alternatively, and by way of affirmative defense, Defendant asserts that it is entitled to an offset in the event that Plaintiff is awarded damages for past medical expenses and to the extent that Plaintiff's past medical expenses have already been paid for in accordance with Defendant's Injury Benefit Plan.



11. Defendant hereby gives notice that it intends to rely upon such other defenses or denials, affirmative or otherwise, and to assert third-party claims and any other claims, as may become available or appear during discovery as it proceeds in this matter, and hereby reserves the right to amend its Answer to assert such defenses.

**IV.  
JURY DEMAND**

12. Subject to its forthcoming Motion to Compel Arbitration, Defendant demands a trial by jury.

**V.  
PRAYER**

Defendant Sanderson Farms, Inc. prays that Plaintiff take nothing by this suit, that Defendant goes hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.



Respectfully submitted,

**MAYER LLP**

750 N. St. Paul Street, Suite 700

Dallas, Texas 75201

Telephone: 214.379.6900

Facsimile: 214.379.6939

By: /s/ J. Edward Johnson  
Zach T. Mayer  
State Bar No. 24013118  
Email: [zmayer@mayerllp.com](mailto:zmayer@mayerllp.com)  
J. Edward Johnson  
State Bar No. 24070001  
Email: [ejohnson@mayerllp.com](mailto:ejohnson@mayerllp.com)  
G. Adrian Galvan  
State Bar No. 24108601  
Email: [agalvan@mayerllp.com](mailto:agalvan@mayerllp.com)

**ATTORNEYS FOR DEFENDANT  
SANDERSON FARMS, INC.**

**CERTIFICATE OF SERVICE**

This is to certify that on the 29<sup>th</sup> day of July 2022, a true and correct copy of the foregoing has been forwarded to all counsel of record, as follows:

**Via eFileTexas.gov:**

[chad@jchadparker.com](mailto:chad@jchadparker.com)

[amy@jchadparker.com](mailto:amy@jchadparker.com)

J. Chad Parker

Amy Mills

J. CHAD PARKER, PLLC

3808 Old Jacksonville Road

Tyler, TX 75701

/s/ J. Edward Johnson

J. Edward Johnson

---

DECLARATION OF J. EDWARD JOHNSON

---

STATE OF TEXAS                   §  
  §  
COUNTY OF DALLAS           §

1. My name is J. Edward Johnson. I am over the age of twenty-one years and competent to make this Declaration. The statements in this Declaration are based on my personal knowledge and are true and correct.
2. I have read the above and foregoing Original Answer and Verified Denial, and the factual statements contained in Paragraph I of the Verified Denial herein are within my personal knowledge and are true and correct.

My name is J. Edward Johnson. My work address is 750 N. St. Paul St., Suite 700, Dallas, Texas 75201. I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 29<sup>th</sup> day of July, 2022.

/s/ J. Edward Johnson

J. Edward Johnson



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AND CORRECT COPY

FILED IN THE DALLAS COUNTY

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Shannon Pilgrim on behalf of Joseph Johnson

Bar No. 24070001

spilgrim@mayerllp.com

Envelope ID: 66796136

Status as of 7/29/2022 12:20 PM CST

Associated Case Party: Tyrin Green

Name	BarNumber	Email	TimestampSubmitted	Status
Chad Parker		chad@jchadparker.com	7/29/2022 11:03:59 AM	SENT
Amy Mills		amy@jchadparker.com	7/29/2022 11:03:59 AM	SENT



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AND CORRECT COPY  
FILED BY THE SMITHSONIAN INSTITUTION  
VIRGINIA COMMONWEALTH UNIVERSITY

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Shannon Pilgrim on behalf of Joseph Johnson

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Envelope ID: 66796136

Status as of 7/29/2022 12:20 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Cathy Preston		cpreston@mayerllp.com	7/29/2022 11:03:59 AM	SENT



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AND CORRECT COPY  
FURNISHED TO THE  
CLERK OF COURT



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Status as of 7/29/2022 12:20 PM CST

Associated Case Party: Sanderson Farms, Inc.

Name	BarNumber	Email	TimestampSubmitted	Status
G. Adrian Galvan		agalvan@mayerllp.com	7/29/2022 11:03:59 AM	SENT
Zach Mayer		zmayer@mayerllp.com	7/29/2022 11:03:59 AM	SENT
Edward Johnson		ejohnson@mayerllp.com	7/29/2022 11:03:59 AM	SENT

Shannon Pilgrim  
on behalf of Joseph Johnson  
Bar No. 24070001  
spilgrim@mayerllp.com  
Envelope ID: 66796136  
Status as of 7/29/2022 12:20 PM CST  
Associated Case Party: Sanderson Farms, Inc.



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